



# BOARD OF COMMISSIONERS

## LAPORTE COUNTY

### Office Annex

555 Michigan Avenue, Suite 202  
LaPorte, IN 46350-3400  
Phone: (219) 326-6808 ext. 229 – FAX: (219) 326-9103

William Hager,  
President

Michael Bohacek,  
Vice President

Barbara Huston,  
Member

#### LAPORTE COUNTY COMMISSIONERS

TUESDAY, October 21, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, October 21, 2008, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3

Commission President, William Hager, called the meeting to order at 10:00 a.m.

Present at the meeting were Commission President, William Hager, Commission Vice President, Michael Bohacek, Commission Member, Barbara Huston. Also present, LaPorte County Auditor, Teresa Shuter, LaPorte County Attorney, Robert Szilagyi, and Executive Secretary, Reathel Noveroske.

#### PLEDGE OF ALLEGIANCE

Mrs. Huston led the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Mr. Hager, I want to add to New Business, G, Bob Young, AIC Award and remove the approval of payroll for November 28, 2008. Mr. Bohacek made a motion to approve the agenda as amended, seconded by Mrs. Huston, motion carried by voice vote 3-0.

#### APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of October 7, 2008, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

#### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

#### CLAIMS

Payroll Ending October 31, 2008, November 14, 2008, Mrs. Huston made a motion to approve, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Miscellaneous Claims— \$2,488,887.45, Mrs. Huston made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims— \$ 801,526.69, Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

#### CORRESPONDENCE

None

## REQUESTS

### Don Williams, Rolling Prairie Business & Community Assn. Inc./Speed Limit Changed

Mr. McVay, this is in a subdivision and I recommend that we put up our typical 20 miles per hour sign and we can do this right away as we have an ordinance to cover that.

Mr. Bohacek made a motion to change the speed limit from 30 down to 20, seconded by Mrs. Huston, motion carried by voice vote 3-0.

### William Hanna, Executive Director, United Way of LaPorte County/Funding Request for 2-1-1 Service for LaPorte County

Mr. Bohacek, I will speak on behalf of Bill Hanna, Executive Director of the United Way of LaPorte County. I have been involved in this for quite some time. LaPorte County is the largest county by population in the state that has not implemented the 2-1-1 program. This program is a way for our citizens to gain access to the services provided for the community. This is more than an information source, it is for advocacy, too. We are going to make a little change to this because we have some new information. Our Section 8 program is now going to be administered by an organization called Northwestern Indiana Community Action out of Crown Point. Where as before, we were looking at partnering with the St. Joe call center out of South Bend. Northwestern Indiana Community Action will build our data base but they have more access to services and we have a closer relation ship with them. They assisted us during this last flood. Additionally, in speaking with them, we are going to be able to get a little more "bang for the buck" on the allocation. Porter County spends about \$20,000 to \$25,000 a year to fund this program, so we will be in that same ball park. It is a great program. We are the only county in northwest Indiana that does not have this program. It is a very valuable service.

Mr. Bohacek made a motion to approve \$150,000 for 2-1-1 to present to the County Council for approval. The motion was seconded by Mrs. Huston, motion carried by roll call vote 3-0.

## OLD BUSINESS

### Ken Layton, LaPorte County Treasurer/Contract for Credit Card Payments

Mrs. Huston made a motion to remove from the table, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Layton, Mrs. Harris is also here again this morning. We asked her to do some research and you have been provided with documentation via email and also a hand out on a merchant processing comparison. Mrs. Harris has not had the time to go to all departments that might utilize this service.

Mr. Bohacek, we are interested in offering this service throughout our county.

There was a discussion in regard to the offices that would benefit and be interested in implementing this payment option.

Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Mr. Layton, thank you commissioners. I will set up appointments for Mrs. Harris to meet with all the other entities in government that could use credit card payments and as we progress, I will come back and report to you.

Mr. Bohacek, I appreciate your change of heart on this. I know we had some discussion about this back in February and you told me very strongly about your not wanting to accept credit cards.

Mr. Layton, I still have that feeling and the commissioners all know what that feeling was. The position that I took was to save some of our youths money. This is a sign of the future and I know that Mrs. Hawkins is for the credit card payment program, so why not make it easy on her and have it here when she comes here.

Mr. Bohacek made a motion to have Mr. Hager, President, sign the contract on behalf of the Board of Commissioners, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Tim Kazmierzak/Speed Limit Sign and No Trucks Sign

Tabled until next meeting.

Dave Lamb, Michigan City Fire Chief/Donation for Training Tower Facility (Tabled)

Mrs. Huston made a motion to remove from the table, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Hager, they have requested \$20,000.00 from the Commissioners and Mr. Ray Hamilton, from the Plan Commission has \$10,000.00 he can donate for something like this. I would suggest that we also donate \$10,000.00, that way they have their \$20,000.00.

Mr. Lamb, I can answer any questions you might have. The state has approved so many training hubs throughout the state. This money comes from a grant from Homeland Security. We became aware of the grant and applied for it and this has been a project that has been on the table for a long time. We were granted \$100,000.00 to build this project. There are a few incidentals that come along with a project like this and we are here to ask for your help. I want to make it clear that everyone in the county is welcome to use this training facility. It is a worthwhile project; training is a part of our life. It is being constructed at 1145 Hitchcock Street, Michigan City, IN. It is a piece of property that the sanitation department owned and donated to us. This would have never gotten off the ground if it hadn't been for our mayor, Chuck Oberlie and Al Wallis, General Manager of the Sanitation Department.

Mr. Bohacek made a motion to approve \$10,000.00, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

NEW BUSINESS

Sheriff Michael F. Mollenhauer/Agreement: School Police Liaison Officer.

Sheriff Mollenhauer, this has been before the Council already. The LaPorte School Corporation approached me back in July and asked if we would be willing to supply a police liaison officer. We investigated that and worked up some figures. They requested Sergeant Michael Kellem to be the person if possible. We have made an agreement with the school and through the County Council to a three year contract for Mr. Kellem to be in the school corporation. They will pay 74% of his wage and the County Council deemed fit to allow us to hire a new officer which will be done in November to basically replace Mr. Kellem. It is a terrific deal and I feel great about having an officer in the school.

Mr. Bohacek, after the three year contract, in the event that the school system changes their mind on this program; how would we handle Mr. Kellem's return?

Sheriff Mollenhauer, he would return and we would have to reduce one officer or absorb that officer. Mr. Kellem would come back with rank. There is a thirty day clause in the contract that we can cancel any time. For the three months in the summer that the school is closed, Mr. Kellem would come back to our department and work. During those three months, the county picks up his pay.

Mr. Bohacek made a motion to approve the request, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Sheriff Mollenhauer, one other thing, for your information, was on a possible sheriff's salary contract that has been given to the County Council for their consideration.

Rick McVay, County Highway Engineer/LaPorte County Small Structure Inspection Year 2008 Inventory Update and Additional Appropriation

Mr. McVay, there hasn't been an update since 2001. I am requesting approval of the contract contingent upon the additional appropriation of \$5,000.00 to cover the inspection fees.

Mrs. Huston made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Rich McVay, County Highway Engineer/Johnson Road Intersection Improvement Project and Additional Appropriation

Mr. McVay, this is for the Johnson Road Intersection Improvement Project. There are two intersections that we are looking at doing some changes and improvements to. The contract came in at \$355,000.00 and I would request approval of that contract, once again, contingent upon the commissioners and council approving the appropriation.

There was a discussion on what improvements are proposed. Mr. McVay, once they get some preliminary ideas drawn up we will have to meet to inform you of what they are thinking about doing.

Mr. Bohacek, is there any kind of a deadline on this contract and when this is to be completed?

Mr. McVay, I have the consultant here, Mr. Kevin Woodward, of The Schneider Corporation.

Ron Nordmire, I prepared the contract and as far as the schedule goes, the contract is a LPA consultant agreement and we are following INDOTS middle process. I do have a schedule in there on duration and it begins with Appendix C and it lists out the specific deadlines.

Mr. Bohacek made a motion to approve, contingent upon the Council's approval for funding, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Ken Herceg, President of Ken Herceg & Associates, Inc./Courthouse Exterior Restoration-Lawsuit Preparation

Ken Herceg and Heather Short-Davis from Ken Herceg & Associates, Inc., we have copies of two letters and I have asked Heather if she would review October 26, 2007 and June 10, 2008. We are coming before you now because the issue we are talking about is now settled and during legal proceedings, sometimes it is inadvisable to talk about these types of things.

Heather Short-Davis reads the two letters from October 26, 2007 and June 10, 2008. We are asking that you favorably consider reimbursing Ken Herceg and Associates Inc. for the \$23,148.33 of pretrial preparation cost, which are still outstanding.

Mr. Bohacek, I am going to use this as a learning experience. We get a lot of contracts from a lot of vendors, I am going to ask our attorney to draft a standard contract for all vendors.

There was discourse in regard to the law suit with Ziolkowski Construction Company.

Mr. Bohacek, if Ken Herceg and Associates saved us 60% then we should pay him 60% of his fees. Let's bring this to a workshop with the council; it has to be approved by them anyway.

Mr. Bohacek made a motion to call a workshop with the county council, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Commissioner's Approval for Polling Places for 2008 General Election.

situation we are in on projects like the court house. It is time to look at these contracts. It makes me wonder how much money is being wasted. Maybe it is time we go to the Association, we pay dues to them, and they always want to say they are helping us. We need to confront this contract situation with them to come up with a state wide form so these companies become really responsible with the way they bid out jobs & etc. This costs us a lot of money; it costs us more to go to court than to settle it and that is what these things are all about.

Also, congratulations to you on taking a stand on the credit cards. We have been talking about this for quite awhile. I know I have had some arguments with the Treasurer about this. It is not the idea that everyone should be charging something but the convenience of charging is the key.

#### COMMISSIONER'S COMMENTS

Mrs. Huston, I understand you have the contract back from Zolvinskis. I have talked to Mark Yagelski and there will be a workshop set up with the council to appropriate additional funds so we can get it into that project. One other question, how much longer will the intersection at 421 and 400 North go on?

Mr. McVay, this should be finished in 2-4 weeks.

Mrs. Huston, now with this Zolvinski at 400 North, if that is approved by the council, when will that take place?

Mr. McVay, the design is pretty much complete. Once we clear the right of way, we are probably looking at spring. The stop light will be designed as a 4-way stop light, but it will temporarily be a three way stop light. The stop light will go up this fall but the rest of project will not be completed until spring.

Mr. Hager, Michigan City is in charge of the 421-400 North project and I understand it is the utility companies that are holding that up.


Mr. Bohacek, I want to offer support to State Representative Pelath. I read a letter that he sent to the Sisters of St. Francis and to Anthem requesting that these two parties get back to the table, negotiate their differences and not hold the tax payers of LaPorte County as a bargaining chip in the middle of an ongoing dispute. The deadline for the contract is November 3, this should be ample time for them to settle their differences.

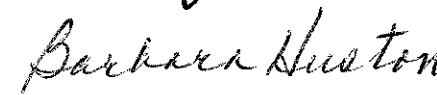

Mr. Szilagyi, I am not a commissioner but it needs to be made clear that Herceg and Associates didn't do any thing wrong when it came to the court house. The problem has to do with the contract interpretation. They were adamant that Zilkowski had submitted an improper change order and because of the fact that they were adamant the commissioners at that time needed to approve that change order. The issue that we have before us which Mr. Herceg and I can agree to disagree on this, is simply everybody use a standard contract provided by the architects. They are defending their decision of recommending to not accept the change order.

#### ADJOURN

Mr. Hager adjourned the meeting at 10:55 A.M.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
William Hager, President

Michael Bohacek, Vice President

Barbara Huston, Member

ATTEST:

  
Teresa Shuter, LaPorte County Auditor